

Remarks

In the Office action, claims 22-30, 35-38, 46-49 and 51 were rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent 4,911,711 to Telfair et al. ("Telfair et al.") in view U.S. Patent No. 5,463,200 to James et al. ("James et al."). Claims 43-45 and 50 were allowed and claims 31-34 were deemed to be directed to allowable subject matter.

In this response, claim 22 has been amended. Upon entry of the amendments, claims 22-38, and 43-51 will be pending. Reconsideration and withdrawal of the rejections and objections in view of the amendments and following remarks is hereby respectfully requested.

A. Examiner Interview

A telephone interview took place on February 28, 2006 at approximately 11:00 AM between Examiner Farah, and Applicant's attorney, Thomas Canty. In the interview, the rejections to independent claims 22 and 35 under 35 U.S.C. §103(a) in view of Telfair et al. and James et al. were discussed. Applicant's attorney presented the arguments that Telfair et al. does not teach or suggest the features of "a deflecting device through which the laser beam is guided over the surface of the object" as recited in claim 22 or the step of "guiding a laser beam so as to move the laser beam over the object surface" as recited in claim 35, since the Telfair et al. system is adapted for full ablation of the eye, which does not require guiding the beam over the eye surface. James et al. also does not suggest guiding the beam over the surface of the workpiece.

The Examiner agreed to remove the rejection to independent claim 35 and its dependent claims. With respect to claim 22, the Examiner suggested that replacing the word "guided" with the word "scanned" would more clearly distinguish over Telfair et al. and James et al. and obviate the rejection to claim 22.

B. Rejections under 35 U.S.C. § 103(a):

Claims 22-30, 35-38, 46-49 and 51 were rejected under 35 U.S.C. § 103(a), as being unpatentable over Telfair et al. in view James et al

Telfair et al. describes a sculpture apparatus for correcting the curvature of the cornea using full-beam ablation. Beam shaping means 22 includes various anamorphic elements 50-51 and spatial filter 52 to shape and homogenize the beam. See Fig. 2.

James et al. describes a method of marking a workpiece by light energy, e.g. a pulsed laser beam in order create a selected pattern on the workpiece that combines "the focused spot and mask imaging techniques, in that, while the pattern is made of selected ones of an array of dots, all these dots are formed on the workpiece simultaneously." Column 3, lines 6-10.

Independent claim 22 has been amended and now recites a device for shaping objects by removal of material from the surface thereof that includes "a deflecting device through which the laser beam is scanned over the surface of the object." Independent claim 35 recites a process for shaping objects through material removal from the surface of the object. The process includes the step of "guiding a pulsed laser beam so as to move the laser beam over the object surface".

Applicants respectfully submit that neither Telfair et al. nor James et al. teaches or suggests the feature of a deflecting device through which the laser beam is scanned over the surface of the object, and furthermore, that neither reference teaches or suggest the feature of guiding a pulsed laser beam "so as to move" the laser beam over the object surface.

Telfair et al. teaches a system of large beam full eye ablation. There is no suggestion for a deflection device through which the beam is scanned over the surface of the eye (or any other object surface). By contrast, Telfair et al. teaches "fixed-axis passage to the eye 13 of a patient". Column 3, lines 1-8.

Applicants respectfully submit that James et al. does not cure the deficiencies of Telfair et al. As shown in Fig. 1, James et al. teaches directing a beam 12 through a microlens array 14 and then through a mask 22. The microlens array 22 divides the primary beam 12 into beamlets 18, each of which may pass through, or be deflected by, mask 18 before striking workpiece 20. In Fig. 14 a deflector 26a is shown between the microlens array and the workpiece. However, the deflector 26a device does not function to scan the beam or any beamlets over the surface of workpiece 20. Nor is there any suggestion for the feature of moving the beam over the surface of the object or otherwise moving the beam.

Withdrawal of the rejections under 35 U.S.C. 103 is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is now in condition for allowance.

Respectfully submitted,

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